

Before the Board of Zoning Adjustment, D. C.

Application No. 12074 of Carl and Kathy Erlinder, pursuant to Sub-section 8207.1 of the Zoning Regulations, for a variance from the nine hundred (900) square foot lot area per unit requirement (Sub-section 3301.1) to permit use of the structure as a three (3) unit apartment building (basement, 1st and 2nd floors), in the R-4 district at the premises 216-11th Street, S.E., (Square 990, Lot 48).

HEARING DATE: March 17, 1976

DECISION DATE: March 23, 1976

FINDINGS OF FACT:

1. The property is located in a R-4 District.
2. The property is improved with a two story plus basement, brick row dwelling.
3. The property has been used since the 1950's as a three unit building, with one apartment in the basement, one on the first floor and one on the second floor. The application proposes to continue the use in that manner, with no structural changes in the building.
4. The area of the lot is 992 square feet, with a width of 16 feet and a length of 62 feet.
5. According to the Zoning Regulations a minimum area of 1,800 square feet is required of either a row dwelling or a flat.
6. According to the provisions of Sub-section 3301.1, 2,700 square feet of lot area would be required to convert a building into a three unit apartment building. A variance of 1,708 square feet would be required in this case to permit a three unit building.
7. The last recorded certificate of occupancy No. B-32036 was issued on October 30, 1961 for a flat, with one unit in the basement and one unit on the first and second floors.
8. It is difficult at present to find parking spaces on the street in this area.
9. This lot is one of a row of lots on the east side of 11th Street in this square which are of approximately equal size.
10. The Capitol Hill Restoration Society opposed the application, as did the residents of the 200 block of 11th Street, S.E.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty. The Board concludes that the lot is regular in shape and size, and exhibits no characteristics which would make it exceptional or distinguish it from the other lots in the square. The Board also concludes that the area of the lot is not even large enough to meet the minimum required for a flat or a row dwelling. The Board concludes that the requested variance, which would amount to approximately two-thirds of the normal minimum is so substantial as to create an overly dense situation in the area. The Board concludes that the variance cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan. It is therefore ORDERED that the application be DENIED.

VOTE:

5-0 (Lilla Burt Cummings, Esq., Ruby B. McZier, William S. Harps,
William F. McIntosh and Leonard L. McCants to deny)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Secretary to the Board

FINAL DATE OF ORDER: APR 19 1976